

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 1

08 MAR 28 AM 9:20

'08 MJ 0948
SOUTHERN DISTRICT COURT
OF CALIFORNIA

DEPUTY

UNITED STATES OF AMERICA,

Magistrate Case No.

Plaintiff,

v.

COMPLAINT FOR VIOLATION OF: 4

Cristobal LOPEZ-De Rosas

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

Defendant.

)

)

The undersigned complainant, being duly sworn, states:

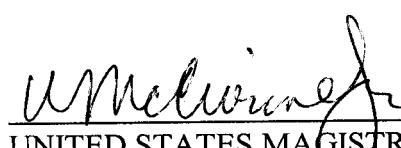
On or about, **January 11, 2008**, within the Southern District of California, defendant, **Cristobal LOPEZ-De Rosas**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Deportation Officer
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **March** 2008.



UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
NAME: LOPEZ-De Rosas, Cristobal

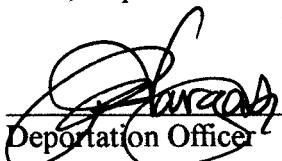
PROBABLE CAUSE STATEMENT

On January 11, 2008, the defendant identified as Cristobal LOPEZ-De Rosas was arrested by the United States Border Patrol for illegal entry into the United States. This arrest took place as the defendant was crossing the International Boundary between Mexico and the United States near the Tecate, CA Port of Entry. Record checks revealed that defendant was a parole violator, and therefore a Parole Hold was issued and he was booked into San Diego County Jail for PC 3056 "VIOLATION OF PAROLE". On January 12, 2008, an Agent with the United States Border Patrol determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from State custody. On March 27, 2008, at approximately 9:00 a.m., the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States on an Administrative Removal Order on or about December 26, 2007 and physically removed to Mexico on or about December 26, 2007 via the San Ysidro Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint Identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed the defendant's identity as Cristobal LOPEZ-De Rosas, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

Based upon the foregoing information, there is probable cause to believe that Cristobal LOPEZ-De Rosas has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.



Deportation Officer
Immigration & Customs Enforcement



William McCurine Jr.

United States Magistrate Judge



Date/Time

3/28/08